IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 33177 of 2006(Y)

PETITIONER:

SANDEEP P.P. AGED 28 YEARS,
UPSA, MINA AM UP.SCHOOL, CHERUVAYUR,
MALAPPURAM.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
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1. THE ASSISTANT EDUCATIONAL OFFICER,
KONDOTTY, MALAPPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM.

BY G.P.SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No. 33177 OF 2006

Dated this the 13th day of December,2006.

JUDGMENT

Petitioner is aggrieved by the refusal to approve the appointment vide Ext.P3. Ext.P3 is an order passed by the Assistant Educational Officer. The contention of the petitioner is that the direction issued by the Government in Ext.P1 has been flouted and has not been complied by the Assistant Educational Officer. It is not in dispute that petitioner has an alternate remedy under the K.E.R. against the order passed by the Assistant Educational Officer.

2. In such circumstances, I feel that petitioner should be relegated to pursue the alternate remedy. But at the same time, petitioner points out that there is an urgency in the matter as he has not been paid salary. Learned counsel for the petitioner submits that petitioner will file an appeal against the order of the A.E.O. before the second respondent.

3. In the above facts and circumstances, the writ petition is disposed of as follows:

If the petitioner prefers an appeal in accordance with law, a decision thereon will be taken by the second respondent after hearing the petitioner and any other affected party within a period of three

weeks from the date of filing of the appeal. It will be open to the petitioner to point out the direction of the Government.

Writ petition is disposed of in the above terms.

K.M.JOSEPH.
JUDGE.

sv.